

1 Harry C. Gilbert, Esq. (SBN 129944)
 2 Steven R. Myers, Esq. (SBN 203694)
 3 JOSEPH COSTELLA & ASSOCIATES
 4 215 Lennon Lane, Suite 200,
 Walnut Creek, Ca 94598
 Telephone (925) 945-4491
 Facsimile: (925) 746-3916
 5

6 Attorneys for Defendant,
 7 HUMANE SOCIETY SILICON VALLEY

8
UNITED STATES DISTRICT COURT
 9
NORTHERN DISTRICT OF CALIFORNIA

10
SAN JOSE DIVISION

11 LEE JACKSON and KENNETH
 12 JACKSON,

13 Plaintiffs,

14 v.

15 SILICON VALLEY ANIMAL
 16 CONTROL AUTHORITY; CITY
 17 OF SANTA CLARA; CITY OF
 CAMPBELL; HUMANE SOCIETY
 18 SILICON VALLEY and DOES
 19 1 TO 20,

20 Defendant.

Case No: C07 05667 RS

DECLARATION OF BETH WARD
 IN SUPPORT OF DEFENDANT
 HUMANE SOCIETY SILICON
 VALLEY'S MOTION FOR
 SUMMARY JUDGMENT, OR,
 ALTERNATIVELY FOR PARTIAL
 SUMMARY JUDGMENT

Date: September 3, 2008

Time: 9:30 a.m.

Courtroom: 4

Judge: Richard Seeborg

I, Beth Ward, declare:

1. I am vice-president of Animal & Customer Care for the Humane Society Silicon Valley ("the Humane Society"), located in Santa Clara, California, and I have personal knowledge of the facts stated in this declaration. I have been vice-president since April 7, 2003 and have worked for the Humane Society since June 11, 2001. My responsibilities include all aspects of animal and customer care.

2. The Humane Society is a California nonprofit public benefit corporation. Our mission is to promote value and respect for animal life by connecting people and pets

1 through education and technology. The Humane Society is supported by individual
2 donations, program fees, foundation and corporate grants, and special events. We have
3 about 65 employees, 700 volunteers, and 30,000 donors.

4 3. The Humane Society does not perform animal control services, or enforce
5 animal cruelty laws. We have an open door shelter and accept all incoming animals,
6 regardless of their health, temperament, or age 24 hours a day, 365 days a year. Our motto
7 is that we are “The Best Place to Adopt a Pet.” In addition to adoptions and our open door
8 shelter, our programs include foster care, a medical clinic (including vaccinations, spaying,
9 and microchip identification), education outreach, and a pet supply store.

10 4. On December 19, 2005, the Humane Society received from Silicon Valley
11 Animal Control Authority (“SVACA”) 15 cats and 6 dogs that SVACA advised us were
12 seized from the Jacksons’ motorhome. Humane Society personnel evaluated each animal,
13 and provided food, shelter, and veterinary care. Following standard procedure, Humane
14 Society employees prepared a kennel card for each animal. This card lists where each
15 animal came from, the date our shelter received the animal, the type of animal (e.g., dog,
16 cat), color, sex, age, weight, and whether the animal is available for adoption. For
17 example, a true and correct copy of the kennel card for “Justice,” one of the dogs SVACA
18 seized from plaintiffs’ motorhome, is attached hereto as Exhibit A.

19 5. On January 6, 2006, I received an e-mail communication from Al Davis,
20 SVACA’s Field Services Manager, advising that the animals were released to the Humane
21 Society. A true and correct copy of this e-mail is attached hereto as Exhibit B. After I
22 received this e-mail, I instructed Humane Society employees that they could start working
23 on placement plans for the animals.

25 6. Most of the animals were sent to “rescue groups.” These groups take care of
26 animals who need special attention and care, and that are not suitable for general adoption.
27 Of the 6 dogs seized, one was euthanized because she was very sick (per veterinarian’s
28 recommendation); 5 dogs were sent to rescue groups. Of the 15 cats seized, 5 were

1 euthanized and 10 were sent to rescue groups. I declare under penalty of perjury that the
2 foregoing is true and correct. Executed within the United States at Tukwila, WA [place])
3 on July 29, 2008.

4
5 
6 Beth Ward
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

EXHIBITA

Humane Society Silicon Valley
Kennel Card

Justice



Animal ID: 24308

Shelter Tag: a05-025973...2

Status: Transfer Out

Lost / Found Address

el camino / scott mervyns parking lot
Santa Clara CA 95050

Current Location: - #225

Surrender Reason:

Date In Shelter: 12/19/2005

Due Date Out:

Type: Dog

Breed: Labrador / Australian Shepherd

Primary MicroChip: NCF24308

Primary Color: Black

Secondary Color: None

No Euthanasia - Reason: Rescue

Adoption Amount:

Available For Adoption Date:

Sex: Neutered Male
Age: 8 Years
Weight: lbs

Distinguishing Features / Markings: use caution

Adoption Summary:

If you are interested in adopting this animal please provide the Animal ID number found on the upper left hand corner of this Kennel Card to an Adoption Center Representative and they will be happy to assist you.

EXHIBIT B

Edit 1/8/2006
Delete 11:06:12 AM

Date: Fri, 6 Jan 2006 10:08:31 -0800
From: "Al Davis"
Subject: Lee Jackson case
To: "Beth Ward"

Beth, This is to follow up on our phone conversation today. All of Lee Jackson's animals are released to HS and our care. She had until 5:00 pm last evening (1/5/06) to meet all requirements and failed. So according to the law since she did not meet the requirements within the 14 days the animals are considered abandoned. Thanks.

Al Davis, Field Services Manager

Silicon Valley Animal Control Authority

2324 Walsh Avenue

Santa Clara, Ca 95051

408)764-0351

408)988-5411-Fax

al@svaca.com

Edit 12/19/2005
Delete 4:53:03 PM

These animals have been seized. do not reclaim. no lost and found tours are to be given. if any questions contact svaca. p# 24384. is the owner of all animals. sgoldberg
